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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 SUSAN MEZZETTI,  
 14 Plaintiffs,  
 15 v.  
 16 STATE FARM MUTUAL AUTOMOBILE  
 17 INSURANCE COMPANY and DOES 1 through  
 18 30, inclusive,  
 19 Defendants.

20 CASE NO. C04 03022 JW  
 21 RELATED CASE: C04 03311 JW

22 STIPULATION AND [PROPOSED]  
 23 ORDER TO PARTIALLY REVISE THE  
 24 COURT'S SCHEDULING ORDER

25 On November 30, 2004, Judge Ware designated *Clewett v. State Farm*, Case No. C04 03311  
 26 JW and *Mezzetti v. State Farm*, Case No. C04-3022 JW related. As such, they have identical  
 27 Scheduling Orders. All parties, by and through their respective counsel, hereby stipulate to revise  
 28 certain deadlines in the Court's Scheduling Orders as follows:

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30 I.  
 31 RECITALS

32 1. The parties have been working diligently toward moving these related cases forward  
 33 in an efficient, expeditious manner. The parties have participated in the Rule 26 conferences and  
 34 exchanged the information and documents required by Rule 26. The parties have also exchanged  
 35 written discovery.

36 2. The Court has appointed George C. Fisher of Richey, Fisher, Whitman & Klein as  
 37 the ENE Evaluator for both matters. The ENE is scheduled for September 28, 2005.

1           3. The parties have agreed to extend the deadline for hearings on pre-trial dispositive  
2 motions by one week.

3       4. The parties recognize that the Court's determination of a dispositive motion could  
4 either terminate this case or significantly narrow the issues relevant for trial and discovery.

5       Continuing the hearing deadline on pre-trial dispositive motions also necessitates a  
6 brief continuance of other deadlines and the parties also stipulate to certain revisions to the Court's  
7 Scheduling Order to avoid incurring the expense of expert disclosure and other discovery that may  
8 not be necessary following the resolution of a dispositive motion.

9       6.       The parties do not seek to continue any deadlines other than those deadlines  
10 necessary to accommodate the cost effective preparation of this matter for trial. The parties do not  
11 seek to delay the trial date, which has not yet been scheduled, or continue the preliminary pretrial  
12 conference or the final pretrial conference or deadlines related thereto.

13 Accordingly, the parties hereby stipulate to revising the Scheduling Order as follows.

## II. STIPULATION

The parties hereby stipulate to the following revisions to the court's Scheduling Order:

1. Deadline for Hearing Pretrial Dispositive Motions: November 14, 2005  
(currently November 7, 2005);
2. Disclosure of Expert Witnesses: December 6, 2005  
(currently November 15, 2005);
3. Rebuttal Expert Disclosure: December 21, 2005  
(currently November 30, 2005);
4. Deadline to file a motion to exclude an expert or any portion of the expert's testimony: January 2, 2006, 9:00am  
(currently December 12, 2005);
5. Close of Discovery, including experts: January 20, 2006  
(currently December 20, 2005);
6. Deadline to file preliminary pretrial and trial conference statement: January 30, 2006  
(remains the same);
8. Preliminary Pretrial Conference: February 27, 2006  
(remains the same).

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1           9. The nature and extent of the disclosures, motions, other submissions to the court and  
2 any other substantive requirements associated with each of the deadlines set forth above remains  
3 unchanged from the Court's July 14, 2005 Scheduling Order.

Dated: 7/27, 2005

LAW OFFICES OF HOWARD G. FRANK

~~HOWARD G. FRANK~~  
Attorney for Plaintiff  
SUSAN MEZZETTI

Dated: 8/27, 2005

**MEZZETTI LAW FIRM, INC.**

ROBERT L. MEZZETTI II  
Attorney for Plaintiff  
SUSAN MEZZETTI

Dated: 9/7, 2005

HAYES, DAVIS, ELLINGSON, McLAY & SCOTT

## IN ORDER

23 Pursuant to the parties' stipulation, the Court's July 14, 2005 Scheduling Order is hereby  
24 revised as follows:

1. Deadline for Hearing Pretrial Dispositive Motions: November 14, 2005  
3. Disclosure of Expert Witnesses: December 6, 2005  
3. Rebuttal Expert Disclosure: December 21, 2005

4. Deadline to file a motion to exclude an expert or any portion of the expert's testimony: January 2, 2006, 9:00am
5. Close of Discovery, including experts: January 20, 2006
6. Deadline to file preliminary pretrial and trial setting conference statement: January 30, 2006
7. Preliminary Pretrial Conference: February 27, 2006 @ 11:00am

IT IS SO ORDERED:

Dated: 9/28, 2005

/s/ James Ware

HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE